

## **V. REMARKS**

Claims 1-26 are pending in this application. By this amendment, claims 1, 5, 10, 12, 17 and 22 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, the specification and drawings are objected to. Claims 1 and 6 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Warmack (U.S. Patent Pub. No. 2002/0161701 A1), hereafter “Warmack.” Claims 17-19, 21-24 and 26 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Hayes, Jr. *et al.* (U.S. Patent Pub. No. 2003/0195811 A1), hereafter “Hayes.” Claims 2-5 and 7-9 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Warmack in view of Hayes. Claims 10-12, 14-16, 20 and 25 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hayes. Claim 13 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hayes in view of Warmack.

### **A. OBJECTION TO THE SPECIFICATION**

The Office has objected to various alleged informalities in Applicants’ original specification. Applicants have amended the specification in accordance with the Office’s suggestions. Accordingly, Applicants respectfully request withdrawal of the objections.

## **B. OBJECTION TO THE DRAWINGS**

The Office has objected to the drawings as allegedly not having necessary labels. However, the Office does not provide any indication from the MPEP or CFR regarding upon what it bases its determination that these particular labels are necessary. Applicants have, in a spirit of cooperation, amended FIG. 1 to include labels for items 22 and 44. However, Applicants respectfully contend that other labels requested by the Office are not necessary and that addition thereof may provide less clarity and more confusion to the drawings. Applicants make note of the many applications that are filed with the PTO in which attributes such as these are not labeled. Applicants further contend that addition of labels in conjunction with items 20 and 42 would introduce text into the drawing that would detract and/or distract from the overall meaning of the drawing, partly in light of space considerations in the drawing. Still further, addition of text adjacent to items 20 and 42 may confuse a viewer into thinking that the text describes a certain type of data that moves along these paths rather than being a description for the paths themselves. To this extent, Applicants respectfully submit that the amendments to the drawings provide a sufficiently clear description of the claimed invention. Accordingly, Applicants request that the objection be withdrawn.

## **C. REJECTION OF CLAIMS UNDER 35 U.S.C. §102(e) AND §103(a)**

With regard to the 35 U.S.C. §102(e) and §103(a) rejections over Warmack and Hayes, Applicants assert that the Warmack and Hayes references do not teach or in the alternative, fail to teach or suggest each and every feature of the claimed invention. For example, with respect to independent claims 1, 10, 17 and 22, Applicants submit that neither Warmack or Hayes teaches

receipt of a message from a third party sender. In contrast, the invention in Warmack deals with sending messages from the credit card company itself. Similarly, Hayes deals with messages from companies with whom transactions are occurring. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

Applicants further object to the Office's use of unsubstantiated factual references. For example, Applicants disagree with the Office's assertion that it would be obvious that an alert code would be appended or prepended to the transaction code. Further, Applicants disagree with the Office's assertion that it would be obvious to one of ordinary skill in the art that the message distribution center as disclosed by Hayes could be used to dispatch messages of all varieties. Accordingly, Applicants respectfully request that the Office support the finding with references that show these features or withdraw the rejections.

## **VI. CONCLUSION**

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

  
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